

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SIGHTLINE PAYMENTS, LLC,

Plaintiff,

v.

**EVERI HOLDINGS INC., EVERI
PAYMENTS INC., EVERI GAMES
HOLDING INC., and EVERI GAMES
INC.,**

Defendants.

Case No.: 6:21-cv-01015-ADA

JURY TRIAL DEMANDED

**DECLARATION OF DARREN D.A. SIMMONS IN SUPPORT OF DEFENDANTS’
MOTION TO DISMISS OR TRANSFER FOR LACK OF VENUE PURSUANT TO 28
USC §1406(A) OR, ALTERNATIVELY, TRANSFER PURSUANT TO 28 USC §1404 (A)**

I, Darren D.A. Simmons, hereby declare as follows:

1. I am Darren D.A. Simmons, Executive Vice President of Everi Payments Inc. (“Everi Payments” or “FinTech”), and FinTech Business Leader. I have personal knowledge of the matters contained in this Declaration and am competent to testify regarding these facts if called upon to do so.

2. I understand that the Everi Entities (“Everi”)—Everi Holdings Inc., Everi Payments, Inc., Everi Games Holding Inc., and Everi Games Inc.—have been sued for patent infringement based on Everi’s sales of its CashClub Wallet (“Wallet”) Product.

3. I am in charge of Everi Fintech products. The Wallet Product is part of the Everi Fintech portfolio. As such, I am intimately familiar with Everi’s marketing of the Wallet Product and, if called upon to testify regarding marketing—for example, the relative importance of the

features and functionalities of the Wallet Product —I could competently do so based on my experience marketing the Wallet Product.

4. I directly manage a team of eight (8) employees who work on marketing and product management for Everi, all of which are located in Nevada, including the individuals directly responsible for the Wallet Product.

5. There are no non-public documents related to the marketing of the Wallet Product in Austin, Texas. Everi's marketing documents are stored on an internal server located in Nevada.

6. I currently live in Nevada, and do not regularly travel to Texas. I have no interest in travelling voluntarily to Texas in order to provide testimony in any trial or other proceeding in this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 24 day of November 2021.



Darren D.A. Simmons